

Appl. No. 10/707,494
Amdt. dated June 17, 2005
Reply to Office action of March 25, 2005

REMARKS/ARGUMENTS

1. Rejection of claims 8-11 under 35 U.S.C. 112, second paragraph:

Claims 8-11 are rejected under 35 U.S.C. 112, second paragraph.

5 **Response:**

Claims 8-11 have been amended to overcome this rejection. In addition, many of the remaining claims have been amended to correct grammar errors and to clarify the claims. No new matter has been added through these amendments.

10 2. Rejection of claims 1, 3-12, and 14 under 35 U.S.C. 102(b):

Claims 1, 3-12, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Cummings et al. (US 6,039,461).

Response:

15 Regarding claim 1, the applicant would like to point out the patentable differences between the limitations of claim 1 and Cummings. Claim 1 contains the limitation of an elastic device having a first end fixed on a bottom of the container and a second end supporting the diffuser. This feature is illustrated in the figures of the instant application, such as in Fig.6. It should be noted that the amendments made to claim 1 are only made
20 for correcting grammar and terminology, and no material amendments have been made.

On the other hand, Cummings teaches a lighting assembly structure. Although the lighting assembly structure also contains a diffuser 208 and an elastic device 240, Cummings does not teach that the elastic device 240 supports the diffuser 208, as recited
25 in claim 1. As shown in Fig.2 and explained in col.3, lines 31-34, Cummings teaches that a lens 206 and a diffuser 208 are sandwiched together and held in place by an annular clip retaining ring 209, which is part of the outer shell 102 of the lighting assembly. As

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described in col.3, lines 55-58, Cummings utilizes a spring 240 for holding a lamp guide 214 against base element 230. However, the spring 240 is not used for supporting the diffuser 208. In addition, it would not be obvious for one skilled in the art to use the spring 240 to support the diffuser 208 since the annular clip retaining ring 209 is already 5 providing adequate support for the diffuser 208. Therefore, Cummings does not teach all of the limitations of claim 1, and claim 1 is patentable over Cummings.

10 Claim 3 has been slightly amended to specify that the elastic device is formed out of highly reflective material. This amendment is supported in line 17 of paragraph [0023] of the specification. Cummings does not teach that the elastic device is formed out of highly reflective material, and therefore claim 3 is also patentably distinct from Cummings.

15 Claim 6 has been amended to state that the elastic device is formed out of plastic. Cummings, on the other hand, does not teach or suggest that the elastic device is formed out of plastic, and therefore claim 6 is also patentably distinct from Cummings.

20 Claim 7 has been amended to clarify that the back light apparatus further comprises a protruding device formed on top of the elastic device. This limitation is fully supported in the specification and Figs.7-10 of the instant application. Cummings does not teach a protruding device formed on top of the elastic device. Moreover, Cummings also does not teach that the protruding device is formed out of highly reflective material, transparent material, or elastic material, or that the protruding device has the shape of a cone. For these reasons, claims 7-11 are each patentably distinct from Cummings.

25 For the reasons listed above, reconsideration of claims 1, 3, 4, 6-12, and 14 is respectfully requested. Claim 5 has been cancelled, and is no longer in need of consideration.

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3. Rejection of claim 2 under 35 U.S.C. 103(a):

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cummings et al.

5 **Response:**

Claim 2 specifies that the elastic device, which is placed inside the container, is formed out of transparent material. Cummings does not teach or suggest that the elastic device is formed out of transparent material. Moreover, there is no motivation for one skilled in the art to make the elastic device out of transparent material because the elastic 10 device is hidden out of view inside the outer shell of the lighting assembly. Furthermore, the elastic device does not block emitted from the lamp bulb, and as such, there would be no need to use a transparent elastic device. For the above reasons, reconsideration of claim 2 is respectfully requested.

15 **4. Objection to claims 13, 15, 16:**

Claims 13, 15, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

20 **Response:**

The applicant notes the objections to these claims. In addition, claim 16 has been amended to clarify that the second end of the elastic device is positioned below the diffuser a predetermined distance for supporting the diffuser when the diffuser deforms downwards. This amendment is fully supported in the specification and figures.

25 Cummings, on the other hand, does not teach that the elastic device supports the diffuser at al. Therefore, the amended claim 16 is patentable over Cummings.

5. Introduction to new claims 17 and 18:

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New claim 17 is drafted to specify that the second end of the elastic device does not contact other objects when the second end of the elastic device is positioned below the diffuser a predetermined distance. This limitation is supported in Fig.4 of the instant application, and no new matter is added. On the other hand, Cummings teaches that both 5 ends of the elastic device contact objects when an end of the elastic device is positioned below the diffuser a predetermined distance.

New claim 18 specifies that the second end of the elastic device directly contacts the diffuser for supporting the diffuser. This limitation is supported in Fig.6 of the instant 10 application, and no new matter is added. Cummings does not teach that the elastic device directly contacts the diffuser. Acceptance of new claims 17 and 18 is respectfully requested.

In view of the above arguments in favor of patentability, applicant respectfully requests 15 that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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